

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL
TUESDAY, DECEMBER 16, 2014**

5:30 P.M.

Longfellow Middle School Auditorium – 1500 Derby Street, Berkeley, CA 94703

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 5:30 p.m. Councilmember Wengraf absent.

Ceremonial Matters:

1. Swearing in of newly elected Auditor and Councilmembers.

City Manager Comments: None.

Public Comment on Consent Calendar and Information Items Only: 1 speaker.

Consent Calendar

Action: M/S/C (Worthington/Maio) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Wengraf.

1. Amendment: FY 2015 Annual Appropriations Ordinance From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,384-N.S. amending the FY 2015 Annual Appropriations Ordinance No. 7,357–N.S. for fiscal year 2015 based upon recommended re-appropriation of committed FY 2014 funding and other adjustments authorized since July 1, 2014, in the amount of \$52,984,910 (gross) and \$48,838,985 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action: Adopted second reading of Ordinance No. 7,384-N.S.

Consent Calendar

2. Revision of BMC 20.64.020 Alterations of Nonconforming Signs

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,385-N.S. amending Berkeley Municipal Code Section 20.64.020 to allow for alterations of nonconforming signs in cases where such alterations may facilitate preservation and maintenance.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Michael Caplan, Economic Development, 981-7530

Action: Adopted second reading of Ordinance No. 7,385-N.S.

3. Lease Agreement: University Copy Service at 2425 Channing Way

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,386-N.S. authorizing the City Manager to execute a lease agreement with Choonghoon Lim and Dongwook Rhim dba University Copy Service, for an initial term of 5 years with an option to extend for 2 additional 5-year periods, located at 2425 Channing Way in the Telegraph Channing Mall.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,386-N.S.

4. Confirming the Results of the November 4, 2014 General Municipal Election

From: City Manager

Recommendation:

1. Adopt a Resolution:

a. Confirming the results of the November 4, 2014 General Municipal Election;
b. Declaring the passage of Measure D – Sugar-Sweetened Beverages, Measure F – Parks Tax, Measure O – Recall Charter Amendment, Measure P – Corporate Personhood, Measure Q – Flexible Work Time, Measure S – Redistricting Referendum.

2. Adopt two Ordinances amending the Berkeley Municipal Code to incorporate the passage of Measure D – Sugar-Sweetened Beverages and Measure F – Parks Tax.

3. Approve the final passage of Ordinance 7,320-N.S. Authorizing the Adjustment of Berkeley City Council District Boundaries Pursuant to Section 9, Article V of the Berkeley City Charter, to Equalize Population in the Districts as a Result of Population Changes Reflected in the 2010 Decennial Federal Census.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: 1. Adopted Resolution No. 66,860-N.S. 2. Adopted Ordinance No. 7,388-N.S (Measure D) and Ordinance No. 7,389-N.S (Measure F). 3. Approved the final passage of Ordinance No. 7,320-N.S.

Consent Calendar

5. Annual Commission Attendance and Meeting Frequency Report

From: City Manager

Recommendation: Adopt a Resolution approving a revised commission meeting frequency schedule to add the Elmwood Business Improvement District Advisory Board; and accept the annual attendance report.

Financial Implications: None

Contact: Mark Numainville, City Clerk, 981-6900

Action: Adopted Resolution No. 66,861–N.S. amended to move the Commission on the Status of Women from Category D to Category B of the commission meeting frequency schedule.

6. Donation to the Animal Shelter from the Ting Tsung and Wei Fong Chao Foundation

From: City Manager

Recommendation: Adopt a Resolution accepting a donation from the Ting Tsung and Wei Fong Chao Foundation at the direction of Elizabeth Chao in the sum of \$5,000.

Financial Implications: \$5,000 (Donation)

Contact: Christine Daniel, City Manager, 981-7000

Action: Adopted Resolution No. 66,862–N.S.

7. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on December 9, 2014

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$3,221,057

Contact: Christine Daniel, Finance, 981-7300

Action: Approved recommendation.

8. Donation: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program

From: City Manager

Recommendation: Adopt a Resolution accepting a \$30,765 donation to the Berkeley Meals on Wheels Program from the Alameda County Meals on Wheels Agency.

Financial Implications: \$30,765 (Donation)

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action: Adopted Resolution No. 66,863–N.S.

Consent Calendar

- 9. Contract: Bay Area Economics (BAE) for Consultant Services to Prepare the Analysis of Impediments to Fair Housing Choice**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Bay Area Economics (BAE) for coordination and writing of the 2015-2020 Analysis of Impediments to Fair Housing Choice for the period beginning December 15, 2014 through June 30, 2015 in the amount of \$31,375.
Financial Implications: General Fund - \$31,375
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,864–N.S.
- 10. Contract No. 9111A Amendment: City Data Services for Maintenance of the Community Agency Online Application and Reporting System**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9111A with City Data Services to add additional setup and ongoing maintenance fees for Mental Health Division contracts and the Housing Trust Fund module; and execute any amendments with City Data Services (CDS) bringing the total contract amount to \$71,151 for the period July 1, 2012 through June 30, 2016.
Financial Implications: Various Funds - \$71,151
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Action: Adopted Resolution No. 66,865–N.S.
- 11. Contract: The Professional Tree Care Company for Tree Removal and Pruning Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Professional Tree Care Company in an amount not to exceed \$116,000 per year for a period of three years, with an option to renew for two additional years, for a total contract amount not to exceed \$580,000.
Financial Implications: Parks Tax Fund - \$580,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
Action: Adopted Resolution No. 66,866–N.S.

Consent Calendar

12. **Contract: Precision Engineering, Inc. for Sanitary Sewer Rehabilitation Project on Hearst Avenue from Bonita Avenue to Shattuck Avenue**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 14-10862-C, located on Hearst Avenue from Bonita Avenue to Shattuck Avenue; 2. Accepting the bid of the lowest responsive and responsible bidder, PrecisionEngineering, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$335,165.
Financial Implications: Sanitary Sewer Operation - \$335,165
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,867–N.S.
13. **Contract No. 9648 Amendment: Ghilotti Construction for Allston Way Permeable Paver Demonstration Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9648 with Ghilotti Construction for the Allston Way Permeable Paver Demonstration Project, increasing the amount by \$75,000, for a total amount not to exceed \$1,519,214.
Financial Implications: Special Gas Tax Improvement Fund - \$75,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,868–N.S.
14. **Contract: Pacific Trenchless, Inc. for Sanitary Sewer Rehabilitation Project on Martin Luther King Jr. Way, 5th Street, and Cedar Street**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Sanitary Sewer Project, 15-10889-C, located at Martin Luther King Jr. Way, 5th Street, and Cedar Street; 2. Accepting the bid of the lowest responsive and responsible bidder, Pacific Trenchless, Inc.; and 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$845,858.
Financial Implications: Sanitary Sewer Operation - \$845,858
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,869–N.S.

Consent Calendar

15. **Contract: Skeo Solutions for Measure M Outreach Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Skeo Solutions for a term of 4 years for an amount not to exceed \$125,000 for Measure M outreach services.
Financial Implications: Measure M Fund - \$125,000
Contact: Andrew Clough, Public Works, 981-6300
Action: No action taken.
Vote: Ayes – Maio, Capitelli, Droste, Bates; Noes – Moore, Arreguin, Worthington; Abstain – Anderson; Absent – Wengraf.
16. **Purchase Order: Western Truck Center, Oakland for 2 Front Loading Refuse Trucks**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Western Truck Center, Oakland for 2 front loading refuse trucks for an amount not to exceed \$714,000.
Financial Implications: Equipment Replacement Fund - \$714,000
Contact: Andrew Clough, Public Works, 981-6300
Action: Adopted Resolution No. 66,870–N.S.
17. **Request to Rent Stabilization Board for Information on Long-Term Rent Controlled Units and Tenants**
From: Housing Advisory Commission
Recommendation: Direct the City Manager to request that the Rent Stabilization Board undertake research on long term rent-controlled units. Specifically, the HAC recommends that the City urge the Rent Stabilization Board to provide the following information on current rent controlled units: 1. The vacancy rate on November 1, 2014 for rental housing constructed in Berkeley prior to 1980. 2. A table showing the number of units which have not experienced a turnover (as measured by the leaseholder's name) since 1999. 3. A second table that lists the unit sizes for all units that have not experienced turnover since 2007, current rent charged, and the current average rents for comparable size units that are at market rates. The Commission also recommends that the Council ask the Rent Board to determine by a statistically valid, anonymous survey the breakdown of the incomes of long term and very long term tenants broken down by years of occupancy and size of unit.
Financial Implications: None
Contact: Amy Davidson, Commission Secretary, 981-5400
Action: No action taken.
Vote: Ayes – Droste; Noes – Worthington, Bates; Abstain – Maio, Moore, Anderson, Arreguin, Capitelli; Absent – Wengraf.

Consent Calendar

18. **Authorization for an Additional Meeting in 2014**
From: Public Works Commission
Recommendation: Adopt a Resolution authorizing an additional meeting for the Public Works Commission.
Financial Implications: None
Contact: Sean Rose, Commission Secretary, 981-6300
Action: Adopted Resolution No. 66,871–N.S.

Council Consent Items

19. **Seating Arrangement for Councilmembers During City Council Meetings**
From: Mayor Bates
Recommendation: Adopt a Resolution changing seating placement of City Councilmembers as follows on the dais (From left to right, facing the dais): Droste, Anderson, Worthington, Capitelli, Bates, Maio, Moore, Wengraf, and Arreguin.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
- Action:** Moved to Action Calendar. 0 speakers. M/S/Fail (Arreguin/Anderson) to adopt a Resolution amended to change the seating placement as follows on the dais: (from left to right, facing the dais): Droste, Anderson, Worthington, Capitelli, Bates, Maio, Moore, Arreguin, and Wengraf.
Vote: Ayes – Anderson, Arreguin, Worthington; Noes – Maio, Capitelli, Bates; Abstain – Moore, Droste; Absent – Wengraf.
- Action:** M/S/F (Capitelli/Bates) to adopt a Resolution as submitted.
Vote: Ayes – Maio, Moore, Capitelli, Bates; Noes – Arreguin, Worthington; Abstain – Anderson, Droste; Absent – Wengraf.
- Item held over to January 20, 2015.
20. **Council Appointments to Regional Committees and Commissions**
From: Mayor Bates
Recommendation: Adopt a Resolution for the appointments of Councilmembers to their current committees, commissions, and regional bodies for the years 2015-2016.
Financial Implications: None
Contact: Tom Bates, Mayor, 981-7100
Action: Moved to Action Calendar. 0 speakers. M/S/C (Worthington/Bates) to adopt Resolution No. 66,872–N.S. revised to remove the appointments to Alameda County Waste Management Authority, and to return with the appointments to Alameda County Waste Management Authority to January 20, 2015.
Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Wengraf.

Council Consent Items

21. **Refer \$50,000 to the FY 2015/2016 Budget Process to Install Beacon Lights at Sacramento and Bancroft**
From: Councilmembers Moore and Arreguin
Recommendation: Refer \$50,000 to the FY 2015/2016 budget process to improve the pedestrian safety at Sacramento and Bancroft by installing beacon lights at the cross walks.
Financial Implications: Unknown
Contact: Darryl Moore, Councilmember, District 2, 981-7120
Action: Approved recommendation.
22. **Proclamation for January as National Slavery and Human Trafficking Prevention Month**
From: Councilmember Worthington
Recommendation: Adopt a proclamation for January as National Slavery and Human Trafficking Prevention Month in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
Action: Adopted proclamation revised to replace the sixth Whereas clause with the following language: "WHEREAS, a May 13th, 2013 report for the Commission on the Status of Women highlighted various policy options to prevent human trafficking."

Action Calendar – Old Business

23. **a. Centralize Services for Homeless Transition Age Youth** (*Continued from November 18, 2014*)
From: Homeless Commission
Recommendation: Adopt a Resolution directing the City Manager to issue a Request For Proposals (RFP) for a centralized transition-age youth center, proposals to be submitted with other applications for funding for homeless services during the December 2014 funding cycle. The RFP should state that substantial consideration should be given to applicants qualified to provide services to transition-age youth who provide evidence of measurable outcomes.
Financial Implications: See report
Contact: Andrew Wicker, Commission Secretary, 981-5400
- b. Centralize Services for Transition Age Youth** (*Continued from November 18, 2014*)
From: City Manager
Recommendation: Incorporate services for transition age youth (TAY) between the ages of 18 – 25 into the proposed Housing Crisis Resolution Center which was identified following a comprehensive analysis of current homeless services provided in Berkeley.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- Action:** Recommendation 23b moved to Consent Calendar.

Action: M/S/C (Bates/Worthington) to suspend the rules to allow for public comment on items not listed on the agenda.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Wengraf.

Public Comment – Items Not Listed on the Agenda – 24 speakers.

Adjournment

Action: M/S/C (Maio/Worthington) to adjourn the meeting.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Droste, Bates; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 6:50 p.m.

Communications

Item 4: Confirming the Results of the November 4, 2014 General Municipal Election

1. Gina Vittori, on behalf of the Bay Area Nutrition and Physical Activity Collaborative

ZAB Appeal: 2201-2205 Blake Street

25: ZAB Appeal: 2204 Dwight Way

2. Michael Brown, on behalf of Nathan George
3. Charles & Barbara Hadenfeldt
4. Jasmine Hromjak
5. Peter Schorer+
6. Laura Watkins
7. Gale Garcia
8. Thomas Walsh

2211 Harold Way

9. Linda Meldman
10. JJ Noire
11. Pamela Fadem
12. Elisabeth Goldstein
13. Walter Wood
14. Mary Ann Brewin
15. Charlene Woodcock
16. Mimi Mougovan
17. Marcello Barbero
18. Sid Gershgoren
19. Barbara Sargent

Acme Bar & Company Patio

20. Jennifer Seidman

Electronic Cigarettes

21. Carol Denney

Secondhand Marijuana Smoke

22. Carol Denney

Concerns for Homeless Women & Domestic Violence Victims

23. Leslie Berkler, on behalf of Women's Daytime Drop-In Center

Street Paving

24. Ernest Isaacs

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 21: Refer \$50,000 to the FY 2015/2016 Budget Process to Install Beacon Lights at Sacramento and Bancroft

25. Juliet Lee

26. Julian Wood

27. Mary Zoeller

Supplemental Communications and Reports 3

Item 21: Refer \$50,000 to the FY 2015/2016 Budget Process to Install Beacon Lights at Sacramento and Bancroft

28. Mary Carleton

Grand Jury Decision

29. Unknown